

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA**

<b>MICHAEL WEST,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
v.	)	<b>Civil Action No. 06-1012 (RMC)</b>
	)	
<b>MARGARET SPELLINGS, Secretary, U.S. Department of Education,</b>	)	
	)	
	)	
<b>Defendant.</b>	)	

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**ORDER**

For the reasons stated in the Memorandum Opinion filed simultaneously with this Order it is hereby

**ORDERED** that Defendant's motion to dismiss [Dkt. # 13], treated as a motion for summary judgment, is **GRANTED in part and DENIED in part**. Because Defendant is not pursuing the dismissal of Counts 1 and 2 under this motion, the motion is **DENIED** without prejudice on these Counts. Summary judgment is **GRANTED** with respect to Counts 3 through 12 of the Complaint; and it is

**FURTHER ORDERED** that Defendant's motion for leave to file a summary judgment motion on Counts 1 and 2 of the Complaint (the FOIA claims) [Dkt. # 22] is **GRANTED**. Defendant shall file its motion no later than April 24, 2007.

Date: March 29, 2007

\_\_\_\_\_/s/\_\_\_\_\_  
ROSEMARY COLLYER  
United States District Judge